



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)

Milan Mrksich et al.)

Serial No. 09/689,263)

Filed: October 11, 2000)

Title: SURFACE MODIFYING
COMPOSITION)

) Examiner: David M. Naff

) Group Art Unit: 1651

#14
M.Q.J
5/22/03

The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

DECLARATION PURSUANT TO 37 CFR 1.131

I, Milan Mrksich, declare as follows:

1. I am an inventor of the subject matter claimed in the above-identified U.S. Patent Application.

2. Prior to August 12, 2000, I and the other inventor had completed the invention described and claimed in the above-identified U.S. Patent Application, as evidenced by the following facts:

(a) The subject matter described in the publication "Self-Assembled Monolayers of Alkanethiolates Presenting Mannitol Groups Are Inert to Protein Adsorption and Cell Attachment" (Luk, Y-L.; Kato, M. and Mrksich, M. *Langmuir* 2000, 16, 9604-9608), a copy of which is attached, is covered by the claims in the above-identified U.S. Patent Application.

(b) Figure 1.(B) on page 9605 of this publication illustrates a species covered by the substrate as recited in pending Claim 19.

3. The above-identified publication is substantially identical to the manuscript submitted "in final form" to the publishing journal, and this "final form" manuscript was received by the publishing journal on June 29, 2000, as evidenced by the statement above the abstract on page 9604 of the publication.

4. I declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above applications or any patent granted therein.



Milan Mrksich

May 13, 2003
Date